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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

ORIGINAL  
FILE

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Federal Communications Commission  
Office of the Secretary

In re Applications of	)	MM DOCKET NO. 92-111
DEAS COMMUNICATIONS, INC.	)	File No. BPH-910208MB
HEALDSBURG BROADCASTING, INC.	)	File No. BPH-910211MB
HEALDSBURG EMPIRE CORPORATION	)	File No. BPH-910212MM
For Construction Permit for a	)	
New FM Station on Channel 240A	)	
in Healdsburg, California	)	

To: Administrative Law Judge  
Edward J. Kuhlmann

SUPPLEMENT TO OPPOSITION  
TO PETITION TO ENLARGE ISSUES

Deas Communications, Inc., by its attorneys, hereby supplements its July 24, 1992 Opposition to Petition to Enlarge Issues with the original Declaration of Mario Edgar Deas. As stated in the Opposition, at n. 8, the Declaration accompanying that pleading was a facsimile.

Respectfully submitted,

DEAS COMMUNICATIONS, INC.

By:

  
Lawrence Bernstein

Its Attorney

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Attachment

July 29, 1992

## DECLARATION OF MARIO EDGAR DEAS

I, Mario Edgar Deas, declare under penalty of perjury that the following statement is true and correct.

I am the President, a Director and the sole voting shareholder of Deas Communications, Inc. ("Deas"), applicant for a new FM radio station at Healdsburg, California. I have already submitted sworn statements to the FCC dated June 29, 1992 and June 21, 1991. I affirm again, under oath, that both those statements are true and correct.

This Declaration is provided in response to yet another Petition to Enlarge Issues filed by Healdsburg Broadcasting, Inc. ("HBI"), this time accusing me of false testimony in the last paragraph of my June 29, 1992 Declaration, that "Deas presently has the tacit approval of the Dry Creek Valley Association" in connection with my proposed transmitter site. In charging me with deception based on this single conclusory statement, which accurately reflects the facts as I understand them, HBI ignores the rest of my Declaration, which explains the basis for my belief and which is confirmed by HBI's own "evidence."

This "evidence" consists of a July 9, 1992 letter from Charles Richard, the current Dry Creek Valley Association President. In fact, Mr. Richard fully corroborates my June 29 statement that "I also met with the Association in early 1991 at a public meeting and discussed my proposed tower with them. I showed them pictures of the site and there was no opposition to the proposal." Mr. Richard agrees and says that "Mr. Edgar Deas appeared before our Board of Directors last year to explain his proposal, (but) the Board did not approve that proposal or take any action on it, as no application had been submitted to the County."

Although he was not the Association's President at the time of that meeting, nor even present at the meeting, Mr. Richard disputes my belief about the Association's "tacit approval." Based solely on this letter from someone not there at the time, HBI accuses me of deceit.

Let me explain why I said what I did. Anyone familiar with the Association knows how aggressive and vocal its members can be when they oppose something. I have encountered no such response. At the 1991 meeting referred to above, during my presentation and afterwards, I encountered no hostility and received no negative comments from anyone present. The atmosphere was relaxed and very pleasant. There was no adverse reaction to any response I made. Edwin Wilson, then the Association President, indicated informally after the meeting that he, personally, did not foresee any problems with it. Other members seemed to echo his comment. Subsequently, and to the best of my knowledge, the Association has not ever taken a position against my proposal in any letter, news article, or elsewhere. This has obviously pleased me. Again, knowing how strongly the Association can react when it truly opposes a project, I considered the response that I have received, reasonably, I believe, as "tacit approval."

Mr. Richard suggests that my proposed site is located in a "rural area". The city of Healdsburg has a small population of approximately 9,750 and is surrounded by agricultural lands, vineyards, wooded hills, and is indeed a rural area. Within the parameters specified by the FCC, I believe that all of the available antenna sites are in rural areas. Mr. Richard acknowledges that at the meeting the Board took no action adverse to the tower location. I was not seeking Board action, but simply wanted to acquaint the members with what I intend to do, in order to allay any environmental concerns they might have. I succeeded in that regard and have no doubt that at the appropriate time, after grant and when an application is filed with the County Board of Zoning Adjustments (the body that actually makes such decisions), the Association will again recognize that Deas' proposal offers optimum FM coverage of Healdsburg with no adverse environmental, visual or ecological impact, and will "un-tacitly" approve it. I will continue to keep an open dialog with the Association and I believe that reasonable people will see the benefit of this station to our community and agree that its benefit outweighs the insignificant effect on the environment.

In conclusion, HBI does not dispute that I met with the Association's Board in early 1991, that I made a pictorial presentation and that "there was no opposition to the proposal." Mr. Richard confirms all this. My belief that

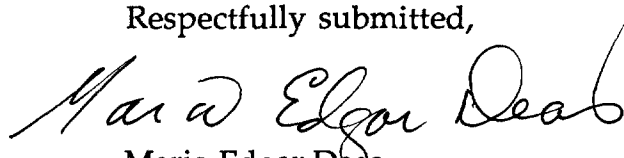
the proposal "presently has the tacit approval of the Dry Creek Valley Association" is based on the affirmative responses I received after the meeting. Mr. Richard was not there, and may be unaware of this.

I am fully confident that when he is acquainted with the merits of our proposal, Mr. Richard, too, will wholeheartedly approve of it.

For these reasons, HBI's allegation that I have attempted to deceive the FCC should be rejected.

Executed this 23 day of July, 1992.

Respectfully submitted,

  
Mario Edgar Deas

CERTIFICATE OF SERVICE

I hereby certify that I have, this 29th day of July, 1992, served copies of the foregoing "Supplement to Opposition to Petition to Enlarge Issues" upon the following persons by first class United States Mail, postage prepaid:

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